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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/806,003

06/15/2001

Maik Brett

55709

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21874

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08/11/2005

EDWARDS & ANGELL, LLP

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BOSTON, MA 02205

EXAMINER

NATNAEL, PAULO S M

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,003

Applicant(s)

BRETT ET AL.

Examiner

Paulos M. Natnael

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 15, 20, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 16-19 and 21, 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **14,15,20,22,23** are rejected under 35 U.S.C. 102(b) as being anticipated by **Braun**, U.S. Pat. No. 5,369,442.

Considering claim **14**, Braun meets all claimed subject matter, note;

a) wherein a sequence of insertion pictures decimated by vertical decimation are read into a memory device (S) and subsequently read out, wherein the insertion pictures read out are inserted into a sequence of main pictures is met by the insertion pictures K1 and K2 inserted by the inserting device ES into a sequence of main signals H1 and H2, Fig. 2;

b) wherein the memory device (S) has a storage capacity of greater than one insertion picture but less than two insertion pictures and is subdivided into memory segments which are continuously overwritten by the insertion pictures, is met by the disclosure (on col. 6, lines 46-51), "a memory device SP having two memory regions SP1, SP2 is also provided. The successive half-frames K.sub.1, K.sub.2 of the small picture K can be

Art Unit: 2614

written or inscribed into these memory regions by means of a write-in or inscription device EN.

c) wherein a decision is made as to whether the currently written insertion picture (K_j) or the immediately preceding insertion picture (K_{j-1}) is read out, is met by the decision device EE outputting decision signal ROF, fig.2; (see col. 6, lines 60-65)

d) wherein more than one memory segment of the memory device (S) is required for storing an insertion picture, and in that the memory segments of the memory device (S) are cyclically overwritten by the insertion pictures (K_j) in a predetermined order, is met by SP1 and SP2 of memory SP, fig.2;

Considering claim 15, the method of claim 14 wherein the memory segments are the same size, is met by SP1 and SP2 of memory SP, fig.2;

See rejection of claim 1(c).

Considering claim 20, the method of claim 14 wherein the insertion pictures (K_j) and main pictures (H_i) are fields of a monitor picture, is met by the insertion pictures K1/K2 and main pictures H1 and H2, fig. 2;

Art Unit: 2614

Considering claim **22**, a circuit arrangement for picture-in-picture insertion having a memory device for storing vertically decimated insertion pictures, the memory device having a storage capacity of greater than one insertion picture but less than two insertion pictures and being subdivided into memory which can be continuously overwritten by the insertion pictures, having a control device (3) for reading out the vertically decimated insertion pictures from the memory device and for inserting the insertion pictures read out into a sequence of main pictures and having a decision device for deciding whether the currently written insertion picture or the immediately preceding insertion picture is read out, wherein each memory segment has a storage capacity of less than one insertion picture, and in that the memory segments of the memory device (S) can be cyclically overwritten by the insertion pictures in a predetermined order.

Regarding claim **22**, see rejection of claim **14**;

Considering claim **23**, the circuit arrangement of claim 22 wherein the memory segments are the same size.

Regarding claim 23, see rejection of claim 15;

Response to Arguments

3. Applicant's arguments filed **April 28, 2005** have been fully considered but they are not persuasive. Applicant argues that the amendments are fully supported by the application as originally filed and points the examiner to specification at page 3, lines 10-18. However, page 3, lines 10-18 merely discloses what Figure 1 and Figure 2 illustrates. Applicant further argues that the "the invention enables memory segments of the memory device to be continuously overwritten, while still preventing the read pointer from overtaking the write pointer during picture-in-picture insertion. The examiner submits the latter is not in the claims and therefore the Applicant is arguing something that is not found in the claims. As to the former statement, the examiner further submits that Braun teaches that two successive half-frames are stored in the storage SP. (see col. 6, lines 46-51) And, as pointed out in the previous office action, they are successive which means the former frames are overwritten by the succeeding ones, since the capacity of the storage is two half-frames. Otherwise, there would be a memory overflow and operational error. Two half-frames are equal to one full frame. The latter (one full frame) is less than two insertion pictures. Applicant has failed to do so vis-à-vis the accepted conventional meaning of field, frame, etc of video signal. A frame is a picture, so is half-frame or a field. Braun stores successive half-frames which are clearly less than two insertion pictures. Furthermore, Fig.1, small picture K clearly demonstrates the two half-frames of the picture. Applicant has failed to explain their assertion and the claimed subject matter vis-à-vis the accepted/conventional meaning

Art Unit: 2614

of field, frame, etc of a video signal. The argument is unpersuasive and this office action is made final.

Allowable Subject Matter

4. Claims **16-19,21,24-26** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose, a method for picture-in-picture insertion, wherein in a manner dependent on the ratio of a reading speed of a read pointer to a writing speed of a write pointer and a relative position of the write pointer in a writing area holding the currently written insertion picture, a decision is made as to whether the currently written insertion picture (Kj) or the immediately preceding insertion picture (Kj-1) is read out, as in claim 16; wherein a comparison is made to determine whether a main picture and an insertion picture to be inserted into the latter have an identical field position, and, in the case of a differing field position, an identical field position is achieved by address shifting of the main picture or of the insertion picture, as in claim 21; and, wherein the memory device has a storage capacity which is $(2-1/VD)$ times the storage capacity required for an insertion picture, where VD is the vertical decimation of the insertion picture, as in claims 17 and 24; and, wherein in a manner dependent on the ratio of a reading speed of a read pointer to a writing speed of a write pointer and a relative

Art Unit: 2614

position of the write pointer in a writing area holding the currently written insertion picture, the decision device decides whether the currently written insertion picture or the immediately preceding insertion picture is read out, as in claim 26;

Conclusion

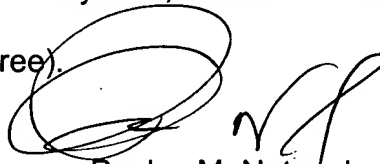
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 10:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paulos M. Natnael
Primary Examiner
Art Unit 2614

PMN
August 5, 2005